



msteinberg@morganlewis.co

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01/13/2006 09:18 AM

To

Subject Old American Zinc site

US EPA RECORDS CENTER REGION 5



472296

Richard, I have discussed with my client Blue Tee's recent request for expanded site access. I am pleased to report that XTRA will continue its long-standing policy of full cooperation in regard to site access.

You had offered to draft a suitable access agreement, and that sounds like a good place to start. Among the standard provisions that XTRA would look for in such an agreement are the following:

- *Blue Tee will provide us with the final EPA-approved scope of work 10 days before initial site access

- *Blue Tee will not obstruct XTRA's access to, or use of, the site

- *Blue Tee will have a finite period of time (e.g., 6 months) within which to perform the scope of work

- *Blue Tee will not exacerbate the existing contamination

- *Blue Tee will indemnify XTRA for any harm or loss arising out of Blue Tee's activities or those of its contractors and subcontractors

- *Blue Tee will name XTRA as an additional insured on any insurance policy it carries with regard to this scope of work direct its contractors and subcontractors to do the same

If you have any questions about any of these elements, please give me a call. Also, please let me know as soon as a draft access agreement is available for review.

With best regards,

Mike Steinberg

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